

HISTORIC AREA COMMISSION  
New Castle Town Hall  
2<sup>nd</sup> and Delaware Streets  
June 11, 2020

Present: Laura Fontana, Chairperson  
Mark Chaump  
Kevin Wade  
Justin Day  
Bill Walters

Also Present: Leila Hamroun, Architectural Consultant  
Jeff Bergstrom, City Building Inspector

Ms. Fontana convened the meeting at 6:30 p.m. Roll call followed and a quorum to conduct business was declared.

**Approval of the Minutes  
February 13, 2020**

A Motion to approve the Minutes of the February 13, 2020, meeting as presented was made, seconded, and on vote, was unanimously approved.

**March 12, 2020**

Ms. Fontana stated that she was not in attendance at the March 12<sup>th</sup> meeting and abstained from voting on the Minutes.

**A Motion to approve the Minutes as presented was made, seconded and on vote, was approved with a vote of three approved and one abstained.**

**New Applications**

**26 East 4<sup>th</sup> Street – Lisa Whitaker**

Ms. Whitaker explained that the Application is to replace a window on the side of the garage that is rotted and broken. The garage is at the back of the driveway and the window faces the side of the yard. She noted that she wishes to install a vinyl window. The Commissioners inspected photos of the area that are attached to the Application.

Discussion

Ms. Hamroun stated that the Application was submitted for Tier 1 Review and because it requested a vinyl window, the Application was rejected. The HAC Guidelines are very clear that vinyl and vinyl clad windows are not acceptable in the Historic District, even on non-contributing buildings. The Application did include a bid for a wood window

Mr. Walters had no questions, but noted that the window is not visible from the public right of way and stated he is in favor of allowing a vinyl window in this particular situation.

Mr. Day had no questions and clarified that the window is broken and the wood is rotting. He stated that he would allow a vinyl window in this particular situation.

Mr. Chaump clarified that the building is a contributing building and Ms. Hamroun stated the property is contributing and the window is on a secondary ancillary building on the property. She added that the garage was built with matching materials. Mr. Chaump noted that the Application includes a bid for a wood window and asked the homeowner if any other alternate materials for the window had been priced out. Ms. Whitaker indicated that they had not. Ms. Hamroun noted that approved alternate materials would be aluminum replica and composite, both of which would qualify for a Tier 1 Review.

Mr. Wade asked when the garage was built, and Ms. Hamroun explained that it was an addition done with the same type of materials as the main house. Mr. Walters added that the garage was done after the house was built. During discussion, it was noted that the front of the garage is approximately 60' from the street and the window is inside a gate in the backyard.

Ms. Whitaker added that the back of the roof is regular roofing and does not match the front of the roof. In response to a question from Mr. Wade, Mr. Whitaker stated that the garage door is wood.

Ms. Hamroun recapped that based on the Guidelines it is clear that vinyl is not appropriate in the Historic District; however, given the location of the window, an approved alternate material would be an acceptable alternative. She added that either aluminum or engineered wood would be acceptable and if the Application is resubmitted with an acceptable alternate material it could be approved as Tier 1.

Ms. Fontana noted that in the past when a window is not visible from a public right-of-way, fibrex and clad have been approved. Ms. Hamroun explained the rationale for excluding vinyl.

Ms. Fontana stated that Mr. and Mrs. Whitaker are very good friends and she abstained from voting on the Application.

**A Motion to approve the Application as submitted, as specified by the location of the window in accompanying documents, was made and seconded. Ms. Fontana called for a vote:**

**Mr. Wade – aye**

**Mr. Walters – aye**

**Mr. Day – aye**

**Mr. Chaump – nay   Mr. Chaump stated that there are other alternate materials that would be acceptable per the Guidelines**

**Ms. Fontana - abstain**

**On vote, the Motion is approved by a vote of three ayes, one nay and one abstain.**

**136 East 3<sup>rd</sup> Street – Valerie DeMarco-Ruggiero**

Ms. DeMarco-Ruggiero stated that the Application is to install two Simonton 6100 Series vinyl windows on the side of the house. She explained that the second floor window is leaking and has caused significant damage to the wood floors on the first and second floors and the ceiling of the first floor. During discussion Mr. Bergstrom confirmed that the windows have triple track storm windows and the homeowner confirmed that the leak holes are clear. Ms. Fontana clarified that the current windows are wood and the homeowner is requesting vinyl replacement windows.

Discussion

Ms. Hamroun stated that the Application was reviewed as Tier 1 and was rejected because vinyl is not an appropriate material, the windows are visible from the public right of way, and the windows should be replaced with in-kind wood windows.

Ms. DeMarco-Ruggiero noted that there are vinyl windows in the front of a neighbor's house and Ms. Hamroun explained that each Application is reviewed separately. She added that the property is contributing and the windows are visible from the public right of way; and in accordance with the Guidelines, vinyl is not an acceptable material.

Mr. Walters stated that he would reluctantly vote against the request. He suggested that some leeway be given for alternate materials in this case.

Mr. Day clarified that the replacement windows must be wood. Ms. Hamroun reiterated that it is a contributing building and the windows are visible from the public right of way and based on the standards that have always been applied the replacement windows should be wood. She noted that if it was a secondary rear portion there could be some leeway. During discussion it was noted that when the Guidelines were updated it was determined that cost should not be a criteria.

Ms. Fontana stated that in her time on the Historic Area Commission the Commission has been very consistent in that alternate materials have not been approved for windows in the public right of way. Ms. Hamroun added that when the Guidelines were updated, visibility from the public right of way has been the standard for both Tier 1 and HAC reviews.

During a discussion of how to construct the Motion Ms. Fontana referenced the standard on page 77 of the Guidelines and explained that if the Application is denied, the homeowners can appeal to the Board of Adjustment within 20 days. Ms. Hamroun explained the Application process in further detail. It was noted that if the Applicants submit a revised Application with wood windows there is no additional fee. Ms. Fontana clarified that there would be no conditions or recommendations included in any Motion made.

**A Motion to decline the Application as submitted was made and seconded. On vote the Motion was unanimously approved.**

Ms. Fontana stated that the Applicants can either adhere to the Guidelines regarding an appropriate material, or they have 20 days to appeal to the Board of Adjustment.

Mr. Wade asked if anyone could suggest an alternate supplier or how the homeowners can reduce the leak in the interim. Mr. Bergstrom suggested that the storm window be kept closed and the leak holes be kept clear. Ms. Fontana noted that without recommending either, other Applicants have used Jeld-Wen and Marvin for replacement windows.

Ms. Hamroun clarified the proper process for submitting an amended Application.

### **510 Delaware Street – New Castle United Methodist Church**

#### **Mike Bellafore – President, Trustees New Castle United Methodist Church**

Mr. Bellafore explained that the Application is to replace 18 windows in various rooms at the rear of the building with white vinyl energy efficient windows. He added that the rest of the windows had previously been replaced with vinyl and they wished to match the remaining windows.

#### Discussion

Ms. Hamroun noted that the church was built in the 1860's and additions were built in the 1930's and is considered as a whole as a contributing property with viewsheds to the street. She added that vinyl is not appropriate in the Historic District. The Application came in as a Tier 1 and it was rejected and the Application is now before HAC for a full review.

Mr. Bellafore stated that he had been informed that the church was not in the Historic District. Ms. Hamroun shared the map of the Historic District. Mr. Bergstrom noted that in 2016 the list was clarified and the original zoning map showed that the church was not in the Historic District at that time; however, the local Historic District boundaries were revised to conform to the limits of the National Historic Landmark District (NHLD) and the boundaries under the purview of HAC were enlarged.

Mr. Walters stated that he is strongly in favor of approving the Application, as the Guidelines say "visibility and proximity". He noted that the texture and material of the windows cannot be seen from the street and the windows to be replaced are in the back panel of the addition and the parking lot.

Ms. Hamroun stated that the 2016 map boundaries were extended so there were common boundaries between what was the local Historic District and the NHLD, and that extended the purview of HAC to everything within the local Historic District and within the NHLD, as well as properties outside of the District that would be listed on the Register. As a result of the expansion, the Church is now under the purview of HAC. Ms. Hamroun added that prior

to 2016 the property was not within the boundaries of the local Historic District, but it has always been within the boundaries of the NHLD.

Mr. Day asked if this Application would fall under any “grandfather” clauses in the Guidelines. Ms. Hamroun stated that it is not retroactive and if something was authorized in the past, it does not mean that it will be authorized in the future.

Mr. Walters asked when the local Historic District was enlarged and if an Ordinance was enacted. Ms. Hamroun explained the process used when the Guidelines were updated and clarified that the local Register was not expanded, but the purview of the local Historic Area Commission was expanded. In further discussion it was noted that the windows being replaced are wood with storm windows.

Mr. Chaump noted his position that while the windows are not necessarily visible, based on the Guidelines, he feels that alternative materials, not including vinyl, would be appropriate.

Mr. Wade asked if the property was in the Historic District when the Historic District was mapped and Ms. Hamroun explained that it has always been in the NHLD. She reaffirmed that the property is under the purview of HAC. Ms. Hamroun also gave some background information on the NHLD and noted that when an updated survey was done in 2018 she and Mr. Bergstrom went property-by-property to confirm whether they were still contributing, etc. During further discussion Ms. Hamroun explained that the boundaries of the Historic District were presented at public meetings; however she was unsure if every resident was notified of their inclusion in the Historic District. Ms. Hamroun noted that the rationale was that the NHLD was such a critical designation for New Castle and such a unique part of American History, it made sense for HAC to be able to oversee the NHLD; however she was not sure if residents were informed of the advantages or disadvantages of being part of the Historic District. She offered to share all notes from the various public meetings with the Commissioners. During further discussion it was noted that if a house were constructed in the Historic District before 1970 and vinyl windows were installed, replacement in-kind windows could be vinyl; however, if the house were constructed at a time before vinyl windows were available, in-kind replacement would be wood.

Ms. Fontana asked about the parking lot and Ms. Hamroun noted that it is only accessible and visible to people in the parking lot, and it is not visible from the public right of way, an alternate material would be acceptable, but not vinyl. Ms. Fontana noted that windows in the alleyway and those facing the cemetery are very hard to see; however the windows facing the back are easier to see. Ms. Hamroun explained the rationale for omitting vinyl windows as an appropriate alternate material in the Guidelines.

Ms. Fontana restated that the Applicant is asking to replace 18 windows with white vinyl energy efficient windows. Mr. Day clarified that an alternate material would be acceptable in this instance.

Mr. Bellafore stated that in his experience as a contractor the average individual cannot tell the difference between a vinyl and wood window at a distance. He added that the Church has already purchased the windows because they did not realize they were in the Historic District.

In response to a question from Mr. Chaump, Ms. Hamroun stated that if a revised Application with alternate materials is submitted, it can be a Tier 1 Review. Mr. Chaump clarified that the Commission does not consider the subject windows to be visible from the public right of way.

**A Motion to decline the Application as submitted was made and seconded. On vote, the Motion was unanimously approved and the Application was declined.**

Ms. Fontana explained that the Applicant has 20 days to appeal the decision to the Board of Adjustment or the Application can be amended with alternate material and the Application can be a Tier 1 Review.

Mr. Wade stated that the Commission should recognize that in the future the Historic District boundaries should never be extended without first obtaining the agreement of a majority of the residents whose properties are affected. He added that although his vote was to decline the Application, he will personally help the Church navigate through this situation.

Ms. Fontana noted that there are preservation tax credits available through the State of Delaware for properties in the Historic District and every Applicant can apply for that aid.

#### **46 East 3<sup>rd</sup> Street**

##### **Andy Consiglio – Bluewing LLC**

Mr. Consiglio is representing the property owner, Ms. Maureen Van Dyck, for approval to replace a patio on the left side of the house with an 8' wide x 40' long enclosed porch. He explained that the proposed porch will be elevated to meet the existing level of the outside steps, and is located in a niche behind the main structure so it will not be visible to the public right of way

##### Discussion

Ms. Fontana explained that the reason the Application is before the HAC is that all requests for additions must come before HAC. Ms. Hamroun added that it is a contributing building.

Mr. Consiglio stated that the roof will be a shed style metal standing seam roof to match the existing roof as closely as possible in color and pitch. Exterior siding will be tapered cedar over sheathing. They are proposing windows from Wyeth, 3' x 5' with aluminum frames. Mr. Consiglio noted that the homeowner would be open to a composite window as well.

Ms. Hamroun stated that it is a discrete secondary addition tucked in behind the primary block. She added that the scale and materials are appropriate. The preferred material for the windows would be wood; however, an alternate material is appropriate as long as it mimics an actual wood window.

Mr. Consiglio noted that he would prefer a composite and asked if the Commission what they would like to see for the windows. Ms. Hamroun stated that her preference is wood.

None of the Commissioners had questions for Mr. Consiglio, and they all opined that a composite material is appropriate. Ms. Fontana noted that Anderson has a composite window that has been previously approved by the Commission.

**A Motion to approve the Application as presented with the following specifications was made and seconded:**

- **A shed style metal standing seam roof to match the existing roof as closely as possible in color and pitch**
- **Tapered cedar exterior siding over sheathing**
- **A glass entry door with wood or composite frame**
- **Composite material for 10 3' x 5' windows to mimic wood as much as possible**

**On vote, the Motion was unanimously approved.**

In response from a question from Ms. Fontana, Ms. Hamroun stated that the lattice work around the bottom of the porch would be wood.

**Consultation**

**122-124 Delaware Street**

**Alfred Boland – Nora Lee's French Quarter Bistro**

Mr. Boland stated that a deck extension design was submitted for Nora Lee's French Quarter Bistro and Ms. Fontana noted that the Application was not on the Agenda.

Mr. Boland explained that a Plan was submitted for the addition of a wrap-around deck to be used only until July 31. Mr. Bergstrom stated that it is a deck for a bar. He noted that the structure was insufficient and the drawing was not sealed by a Design Professional. He added that the Applicant had to make a submission that is structurally sound, and then the HAC can consider the Application. Mr. Bergstrom also noted that a permit for a temporary structure is only good for 90 days. He added that either an Architect or a Structural Engineer must seal the drawings. Mr. Bergstrom said he could give the Applicants a list of the last few Design Professionals that have approved similar projects, but could make no recommendations.

**Miscellaneous**

**Land Development Application**

Mr. Walters stated that with regard to the Application process, the Planning Board will be putting together a Land Development Application that dovetails with an Ordinance for

Commercial Land Development, and it is an Ordinance that the City does not currently have. It is only for multi-unit, commercial and institutional properties and will not impact single family homes. Mr. Walters and Mr. Joe Day are getting the Plan together on behalf of the Planning Board and will discuss it with Ms. Hamroun and Mr. Bergstrom.

#### Restatement of Motions

Ms. Fontana stated that because a number of Applicants have the option to take their matter to the Board of Adjustment she will restate all the Motions for the Record:

#### **26 East 4<sup>th</sup> Street**

A Motion to approve the Application as submitted, as specified by the location of the window in accompanying documents was made by Mr. Wade and seconded by Mr. Walters.  
On vote:

Mr. Wade – aye  
Mr. Walters – aye  
Mr. Day – aye  
Mr. Chaump – nay  
Ms. Fontana - abstain

#### **136 East 3<sup>rd</sup> Street**

A Motion to decline the Application as submitted was made by Mr. Chaump and seconded by Mr. Walters. On vote:

Mr. Wade – decline  
Mr. Walters – decline  
Mr. Day – decline  
Mr. Chaump – decline  
Ms. Fontana - decline

#### **510 Delaware Street**

A Motion to decline the Application as submitted was made by Mr. Wade and seconded by Mr. Chaump. On vote:

Mr. Wade – decline  
Mr. Walters – decline  
Mr. Day – decline  
Mr. Chaump – decline  
Ms. Fontana - decline

#### **46 East 3<sup>rd</sup> Street**

A Motion to approve the Application as presented with the following specifications was made by Ms. Fontana and seconded by Mr. Walters:

- A shed style metal standing seam roof to match the existing roof as closely as possible in color and pitch
- Tapered cedar exterior siding over sheathing
- A glass entry door with wood or composite frame



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- Composite material for 10 3' x 5' windows to mimic wood as much as possible

On vote:

Mr. Wade – approve  
Mr. Walters – approve  
Mr. Day – approve  
Mr. Chaump – approve  
Ms. Fontana - approve

3<sup>rd</sup> Street

Mr. Wade noted that residents on 3<sup>rd</sup> Street have a mess. Mr. Bergstrom has provided information on how to mitigate the damage; however, Mr. Wade suggested that he contact the residents with vendor suggestions.

There being no further business to discuss, Ms. Fontana called for a Motion to adjourn.

**A Motion was made to adjourn the meeting at 8:44 pm. The Motion was seconded and unanimously approved.**

Kathy Weirich  
Stenographer